



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
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## Town Council Agenda Report

**TO:** Mayor and Councilmembers

**FROM:** Russell C. Muniz, CMC, Town Clerk

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY LEGISLATIVE BILLS FILED WHICH WOULD PREEMPT LOCAL GOVERNMENT REGULATION OF THE VEGETATIVE MAINTENANCE OF ANY ELECTRIC RIGHT-OF-WAY AND WHICH WOULD PREEMPT LAND DEVELOPMENT REGULATION PERTAINING TO ELECTRICAL SUBSTATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** HB 431 and SB 980 were filed in November 2005. These bills seek to preempt local governments from regulating the vegetative maintenance of electrical right-of-way. This matter is of significance as it would preclude the Town from regulating tree trimming and vegetative maintenance by FP&L in electrical right-of-way and would also create the existence of substations as a permitted use in any zoning category. These bills are being opposed by the Florida League of Cities.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Motion to approve the resolution.

**ATTACHMENT(S):** Resolution and full text of HB 431 and SB 980.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY LEGISLATIVE BILLS FILED WHICH WOULD PREEMPT LOCAL GOVERNMENT REGULATION OF THE VEGETATIVE MAINTENANCE OF ANY ELECTRIC RIGHT-OF-WAY AND WHICH WOULD PREEMPT LAND DEVELOPMENT REGULATION PERTAINING TO ELECTRICAL SUBSTATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, House Bill 431 and Senate Bill 980 were filed in November 2005;  
and

WHEREAS, the intent of these bills is to preempt local government regulation of vegetative maintenance of electrical right-of-way and allow electrical substations as a permitted use in all land use categories and zoning districts; and

WHEREAS, the placement of electrical substations in all land use categories and zoning districts may not align with the Town's concept for these areas; and

WHEREAS, the Town finds it in the best interests of its residents to retain the ability to regulate vegetative maintenance activities and permitted uses in all land use categories and zoning districts.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town of Davie hereby opposes any bill which would preclude local government regulation of vegetative maintenance activities in electrical right-of-way and the placement of electrical substations as a permitted use in all land use categories and zoning districts.

Section 2. The Town Clerk is directed to send a copy of the approved resolution to Governor Jeb Bush, House Speaker Alan Bense, Senate President Tom Lee, and the Florida League of Cities.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.